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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 RONNIE JONES and MELECIO
15 ARCIOSA, individually and on behalf of
16 all others similarly situated,

17 Plaintiffs,

18 v.

19 FORESIGHT MANAGEMENT
20 SERVICES, LLC, and JEREMY
21 GRIMES,

22 Defendants.

Case No. CV 08-0938 JL

~~PROPOSED~~ ORDER GRANTING
MOTION FOR CONDITIONAL
CERTIFICATION OF SETTLEMENT
CLASS, PRELIMINARY APPROVAL OF
CLASS-ACTION SETTLEMENT, AND
APPOINTMENT OF CLAIMS
ADMINISTRATOR

1 WHEREAS, Plaintiffs Ronnie Jones and Melecio Arciosa ("Plaintiffs") and Defendants
2 Foresight Management Services, LLC and Jeremy Grimes ("Defendants") entered into a Stipulation of
3 Settlement ("Settlement") intending to resolve the above-captioned action;

4 WHEREAS, the Settlement sets forth the terms and conditions of a proposed settlement and
5 dismissal of this action against Defendants;

6 WHEREAS, the Court has before it Plaintiffs' Motion for Conditional Certification of
7 Settlement Class, Preliminary Approval of Class-Action Settlement, and Appointment of Claims
8 Administrator, filed on June 24, 2009, and Defendants' Statement of Non-Opposition to Motion for
9 Conditional Certification of Settlement Class, Preliminary Approval of Class-Action Settlement, and
10 Appointment of Claims Administrator, filed on July 8, 2009, together with supporting materials; and

11 WHEREAS, the Court is satisfied that the terms set forth in the Settlement are the result of good
12 faith, arms-length negotiations among Plaintiffs, Defendants, and experienced counsel for both Plaintiffs
13 and Defendants.

14 WHEREFORE, The Court now finds as follows:

15 Conditional Certification of Settlement Class

16 1. Unless otherwise specified, the terms used in this Order have the meaning assigned to
17 them in the Settlement.

18 2. For purposes only of settlement, a Class defined as follows is conditionally certified: All
19 persons who were issued one or more paychecks by Defendant Foresight Management Services, LLC,
20 Northgate Care Center, McClure Convalescent Hospital and Rehabilitation Center, San Bruno Skilled
21 Nursing Hospital, Valley Pointe Rehabilitation Center, or Woodland Nursing Inn in California between
22 February 14, 2004, and the date that the Court enters this Order Granting Motion for Conditional
23 Certification of Settlement Class, Preliminary Approval of Class-Action Settlement, and Appointment of
24 Claims Administrator.

25 Appointment of Plaintiffs' Counsel and of Claims Administrator

26 3. Harris & Ruble, and Alan Harris and David Zelenski of that firm, as well as the North
27 Bay Law Group, and David Harris of that firm, have fairly and adequately represented the interests of
28 the Class, will continue to do so, and are appointed Plaintiffs' Counsel for purposes of representing the

1 Class conditionally certified in the preceding paragraph of this Order.

2 4. Gilardi & Co. is appointed as Qualified Settlement Administrator.

3 Preliminary Approval of Settlement

4 5. The provisions of the Settlement are hereby preliminarily approved, subject to further
5 consideration thereof at the final approval hearing provided for below. The Court finds that the
6 Settlement is sufficiently within the range of reasonableness and that settlement is in the best interests of
7 the Class, such that notice of the proposed Settlement should be given as provided in paragraph 6 of this
8 Order.

9 Notice to Class Members

10 6. A Notice of Pendency of Class Action, Proposed Settlement, and Hearing Date for Final
11 Court Approval ("Notice"), in the form attached as Exhibit 2 to the June 26, 2009, Superseding
12 Declaration of Alan Harris in Support of Motion for Conditional Certification of Settlement Class,
13 Preliminary Approval of Class-Action Settlement, and Appointment of Claims Administrator ("Harris
14 Declaration"), shall be sent by the Qualified Settlement Administrator to all Class Members in the
15 manner agreed to by the Settling Parties in the Settlement. Further, a Claim Form and a Request for
16 Exclusion Form, in the form attached as Exhibits 3 and 4, respectively, to the Harris Declaration, shall
17 be included in the mailing of the Notice as provided in the Settlement.

18 7. The Notice to be provided as set forth in this Order is hereby found to be the best means
19 practicable of providing notice under the circumstances and, when completed, shall constitute sufficient
20 notice of the Settlement, the Final Approval Hearing, and the right to be excluded from the Settlement.

21 8. Any Member of the Class who desires to exclude himself or herself from, or opt out of,
22 the Settlement must postmark his or her notification of such intent, pursuant to instructions in the
23 Notice, no later than forty-five days from the date of mailing the Notice.

24 The Final Approval Hearing

25 9. A hearing on final settlement approval is hereby scheduled to be held before this Court
26 on January 13, 2010, at 9:30 a.m. to consider the fairness, reasonableness, and adequacy of the proposed
27 Settlement, Plaintiffs' motion for an award of attorney's fees and reimbursement of costs, the dismissal
28 with prejudice of the class action with respect to Defendants, and the entry of the final judgment in this

1 action. The date and time of the Final Approval Hearing shall be set forth in the Notice.

2 10. All papers in support of final approval shall be filed on or before December 9, 2009.
3 Plaintiffs' motion for the award of attorney's fees and reimbursement of costs shall be filed on or before
4 December 9, 2009.

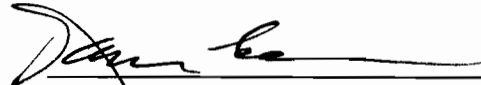
5 11. Any Class Member may, but need not, submit comments or objections to the proposed
6 Settlement. All such comments and objections must be filed with the Clerk of the Court, in writing, not
7 later than forty-five days from the mailing date of the Notice, and copies of all such papers must be
8 mailed or delivered to Plaintiffs' Counsel and Settling Defendants' Counsel on or before the same date.
9 Settling Parties may respond to any comments or objections so filed.

10 12. Class Members wishing to be heard at the Final Approval Hearing are required to file
11 written comments or objections and indicate in the writings their intention to appear at the hearing.
12 Class Members need not appear at the Final Approval Hearing or take any other action to indicate their
13 approval of the Settlement.

14 13. Any Class Member may, but need not, enter an appearance through his or her own
15 attorney or may appear without an attorney.

16
17 **IT IS SO ORDERED.**

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19 Dated: 7-24-09

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21 United States District Court Judge
22 JAMES LARSON
23 U.S. CHIEF MAGISTRATE JUDGE
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